

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

MAY 2007 GRAND JURY
(Empaneled 05/04/07)

THE UNITED STATES OF AMERICA

-vs-

INDICTMENT
08-CR-

SHANE C. BUCZEK

Violation:

Title 18, United States Code,
Sections 1001(a)(2), 1542 and
1028(a)(4)

INTRODUCTION

THE GRAND JURY CHARGES:

1. **AT** all times material to this indictment, the State Department was an agency within the Executive branch of the government of the United States charged with, among other things, processing applications for and issuing United States Passports.

2. Certain employees of the United States Postal Service were designated as "authorized acceptance agents" with authority to accept for the Department of State United States Passport form DS-11 (Series 09-2005) (hereinafter "Passport Application") from United States citizens applying for a United States Passports.

3. The defendant, SHANE C. BUCZEK, was a citizen of the United States, and resided in the Western District of New York, specifically at 7335 Derby Road, Derby, New York.

4. The defendant, SHANE C. BUCZEK, was in both actual and constructive possession of United States Passport 103233184, which the State Department issued to him on or about July 30, 1999.

COUNT ONE

THE GRAND JURY FURTHER CHARGES:

1. **THAT** the INTRODUCTION to this indictment is incorporated herein by reference and re-alleged as if fully set forth in this count.

2. **THAT**, on or about December 20, 2006, in the Western District of New York, in a matter within the jurisdiction of the State Department, the defendant, SHANE C. BUCZEK, unlawfully, willfully, and knowingly made materially false, fictitious and fraudulent statements and representations.

THAT IS TO SAY, on or about December 20, 2006, the defendant submitted what appeared to be a genuine passport application to an authorized acceptance agent at the United States Post office in

Lackawanna, New York which application was altered and was known to the defendant to have been altered to contain materially false fictitious and fraudulent statements and representations as follows:

State Department Official Application (Form DS-11) (Block 22, Oath and Signature)	Application Submitted by the defendant on December 20, 2006 (Block 22, Oath and Signature) (Alterations/false statements shadowed)
I declare under penalty of perjury that I am a United States citizen (or non-citizen national) and have not, since acquiring United States citizenship (or U.S. nationality), performed any of the acts listed under "Acts of Conditions" on this application form (unless explanatory statement is attached). I declare under penalty that the statements made on this application are true and correct.	I declare under penalty of perjury that I am non-citizen national under 8 USC 1101(a)(21) and have not, since acquiring citizenship (or nationality), performed any of the acts listed under "Acts or Conditions" on this application form (unless explanatory statement is attached). I am also not a "U.S. citizen" under 8 USC 1401. I declare under penalty that the statements made on this application are true and correct.

ALL in violation of Section 1001(a)(2) of Title 18 of the United States Code.

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

1. **THAT** the INTRODUCTION to this indictment is incorporated herein by reference and realleged as if fully set forth in this count.

2. **THAT**, on or about December 20, 2006, in the Western District New York, the defendant, SHANE C. BUCZEK, in the ersatz passport application more fully described in Count One, which description is incorporated herein and re-alleged, unlawfully, willfully and knowingly made false statements with intent to induce the issuance of a passport under the authority of the United States for his own use contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to said laws.

THAT IS TO SAY, on or about December 20, 2006, the defendant submitted what appeared to be a genuine passport application to an authorized acceptance agent at the United States Post Office in Lackawanna, New York, which application contained the following false statements:

a. That the defendant's "Permanent Address or Residence" was 3135 South Federal Highway, Del Ray (sic), Florida, 33483,

which in truth and in fact and as the defendant well knew was the address of Postal Store Plus, a commercial establishment offering post office boxes to the public for rent and, when in truth and in fact, and as the defendant also well knew, his "Permanent Address or Residence" was 7335 Derby Road, Derby, New York; and

b. That the status of [his] recent passport was "other, lost at sea," when in truth and in fact, and as the defendant then and there well knew, he had been issued a passport (#103233184) in 1999, that said passport was not, and had never been, "lost at sea," and he had both actual and constructive possession of passport #103233184.

ALL in violation of Section 1542 of Title 18 of the United States Code.

COUNT THREE

The Grand Jury Further Charges:

1. **THAT** beginning on an unknown date, but sometime prior to December 26, 2005, and continuing to the date of the filing of this indictment, in the Western District New York and elsewhere, the defendant, SHANE C. BUCZEK, unlawfully and knowingly possessed a false identification document, as defined in subsection (d)(4) of Section 1028 of Title 18 of the United States Code, with intent that such document be used to defraud the United States.

2. **THAT IS TO SAY**, during the aforesaid period, the defendant possessed a false identification document which appeared to be issued by the United States, to wit: a "United States of America Head of State - Diplomat Card," in the name of Shane-Christopher Buczek, Apostille Number 05-03248, and did use said identification document to attempt to obtain a valid United States Passport from United States Department of State

ALL in violation of Section 1028(a)(4), 1028(c)(1)and 1028
(b)(2) of Title 18 of the United States Code.

DATED: Buffalo, New York, March 4, 2008.

TERRANCE P. FLYNN
United States Attorney

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A TRUE BILL:

S/FOREPERSON
FOREPERSON